



Fillmore County Board Minutes



January 23, 2018

The Fillmore County Board of Supervisors convened in open and public session at 9:02 a.m., January 23, 2018, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Neiman presiding. Members present were Noel, Sluka, Risseeuw, Mueller, Cerny, and Johnson. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 2:10 p.m.

APPROVE MINUTES

After discussion, Sluka moved and Neiman seconded the motion to amend the January 9, 2018 minutes removing "sine die" from adjournment. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

2018 MILEAGE RATE

Mueller moved and Risseeuw seconded the motion to adopt the 2018 IRS mileage rate of \$.545 per mile and \$.575 per mile for the Sheriff's office to serve papers effective January 1, 2018. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

CLAIMS

The claims were presented for payment. The following abbreviations describe the expenditures: Equip – equipment, HDM's – home delivered meals, Insur – insurance, Main – maintenance, Mtgs – meetings, Mile – mileage, Misc – miscellaneous, Post – postage, Pro – proceedings, Rep – repairs, Ret – retirement, Ser – service, SS – social security, Sup – supplies, Uti – utilities, Wksh – workshop expense.

GENERAL FUND:

Baird & Griess Law Office	Ser	270.00
Blue Cross Blue Shield of Nebraska	Insur	60,494.87
Capital Business Systems, Inc.	Ser	153.86
Marilyn Christiancy	Ret	25.00
DataSpec, Inc.	Ser	898.00
Diane Deepe	Ser	120.00
Eakes Office Plus	Sup	255.88
Fillmore County Court	Fees	1,296.26
Fillmore County Development Corp.	Wksh	6.00
Fillmore County Medical Center	Ser	83.58
Fillmore County Treasurer	Interest	37.14
First Concord Group, Inc.	Insur	4,256.38
Fortify Group	Misc	40.00
Geneva Super Foods	Sup	1,639.16
Heartland Bank	SS	4,832.97
Barbara (Erdkamp) Hein	Ret	96.00
Kalkwarf & Smith Law Offices, LLC	Ser, Mile, Uti, Copies	3,042.35
Madison National Life Insurance Co.	Insur	15.89
Nebraska Notary Association	Misc	30.00
Nebraska Public Power District	Uti	1,916.20
NeoFunds By NeoPost	Post	700.00



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Norrie Construction	Rep	68.43
Vernon Pearson	Ret	48.00
Region V Services	Budget request	2,621.00
Retirement Plans Division of Ameritas	Ret	4,751.86
Saline County Law Enforcement	Boarding prisoners	2,040.00
Service Press	Sup	303.00
Lee Bauer Smith	Ret	108.00
State of Nebraska DAS State Accounting	Ser	43.88
State of Nebraska Health & Human Serv.	Dec. patient care	186.00
Rhonda Stokebrand	Mile, Sup	61.46
Deanna Strothkamp	Ret	72.00
Luetta Strothkamp	Ret	96.00
Sullivan Shoemaker, PC, LLO	Ser	628.85
Mary C. Tesar	Ret	24.00
Unifirst Corp.	Ser	218.88
US Bank CPS	Post, Sup, Wksh	1,267.70
Bea Vavra	Ret	84.00
Carol Vejraska	Ret	23.08
Verizon Wireless	Uti	939.32
Verizon Wireless – VSAT	Ser	200.00
Weaver Pharmacy	Sup	151.57
Daniel L. Werner, PC, LLO	Ser	90.00
Payroll	Salaries	70,544.78

ROAD/BRIDGE FUND:

Auto Value Parts Stores	Parts, Sup, Main	858.42
Richard T. Braden	Ret	24.00
C & M Supply, Inc.	Fuel	1,180.20
Casey's General Stores	Fuel	117.60
Dorchester Farmers Coop	Sup, Fuel	3,860.24
Friesen Chevrolet, Inc.	Equip	30,132.00
Geneva Home Center	Misc, Sup	137.45
Geneva Lumber Center	Parts, Sup, Equip	225.32
Geneva Super Foods	Sup	47.17
Grafton Oil, Inc.	Sup	229.78
Heartland Bank	SS	2,273.04
Ronald Isley	Ret	103.86
Lawson Products, Inc.	Sup	51.11
Lichti Oil	Parts, Sup, Fuel	1,745.15
Logan Contractors Supply, Inc.	Equip	13,000.00
Gerald J. Lukes	Ret	72.00
NMC Exchange, LLC	Parts, Sup, Ser	7,678.30
Nebraska Public Power District	Uti	534.56
Perennial Public Power District	Uti	258.97
Quill Corp.	Sup	146.29
Retirement Plans Division of Ameritas	Ret	2,050.84
Roit Repair	Rep	73.01
Speece Lewis Engineers	Fees	535.00
Titan Machinery	Equip	52,600.00
Verizon Wireless	Uti	108.10
Village of Exeter	Uti	18.75
Village of Fairmont	Uti	74.91
Village of Grafton	Uti	36.50
Village of Ohioa	Uti	30.00
Donald D. Wittmack	Ret	12.00
Payroll	Salaries	30,672.18

INHERITANCE TAX FUND:

Asbestos Survey Services, LLC	Ser	1,267.36
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Flo-Rite	Ser	1,380.24
RJ Joint Property Ventures, LLC	Rent	700.00

911 EMERGENCY MANGEMENT FUND:

Nebraska Public Power District	Uti	205.66
Nemaha County Sheriff's Office	Insur	75.26
York Heating & Air Conditioning, Inc.	Rep	98.00
Windstream	Uti	117.84

CLAIMS APPROVED

Neiman moved and Noel seconded the motion to approve the claims as presented with the exception of Rhonda Stokebrand mileage for \$53.50. Upon roll call, the vote was as follows:

Ayes: Cerny, Mueller, Neiman, Noel, Risseeuw and Sluka
Nays: Johnson

The Chairman declared the motion carried.

OCCUPY COUNTY RIGHT-OF-WAY PERMIT

Mueller moved and Cerny seconded the motion to approve the Occupy County Right-of-Way permit as presented by the Highway Superintendent. This permit was approved at the October 24, 2017, but needs to be approved again as they are only good for ninety (90) days:

NuStar - replacing a gas line between Section 21 and Section 28, Fairmont Township. The Owner will cooperate fully with the officials of Fillmore County and will keep them fully and immediately informed of all construction or maintenance work required.

Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

CLEAN SILT PERMIT

Sluka moved and Noel seconded the motion to approve the Clean Silt Permit as presented by the Highway Superintendent:

Schelkopf Farms, LLC – clean silt from the ditch along the north side of the NW /14 and along the south side of the SW ¼, Section 13-6-2, Chelsea Township and place back in field. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

PURCHASE LIGHTS FOR ALL COUNTY SHOPS

Highway Superintendent, Pat Halbur would like to replace all the lights within all the county shops. After discussion, Chairman appointed Risseeuw, Mueller, and Noel to work with Pat on specifications to receive bids.

CHANGE ORDER WITH BUILDING TECH, INC.

After discussion, Mueller moved and Sluka seconded the motion to approve the change order dated January 11, 2018 for removal of cement, removal of partition wall, adding insulation to the roof, moving door from west to east, structural bracing of east side, and adding a bigger door for \$1,110.00. Upon roll call, the vote was as follows:



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Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

UTILITY AGREEMENT FOR PROJECT BETWEEN SECTIONS 32 & 33, GENEVA TOWNSHIP

After discussion, Johnson moved and Mueller seconded the motion to authorize the Chairman to sign the Utility Agreement for project BRO-7030(32) and C30(241) between Sections 32 and 33, Geneva Township for \$11,488.88 when it becomes available from Perennial Public Power District (as they were having computer issues). Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

DISCUSSION REGARDING SETTING LETTING DATE FOR MOWING

Bid letting will be March 13, 2018 at 10:00 a.m. for all the county shops except Geneva, cemeteries, and the East Office Building.

TRACK LOADER BID LETTING

Track loader bids were opened at 10:45 a.m. as advertised and the following were received:

<u>BIDDER:</u>	<u>EQUIPMENT:</u>	<u>PRICE:</u>
NMC	2008 Caterpillar 953D (with new rollers & rails)	\$126,000.00
NMC	2007 Caterpillar 963D	\$150,500.00
Murphy Tractor & Equipment	NO BID – sent a letter	

TRACK LOADER BID

After discussion, Johnson moved and Mueller seconded the motion to purchase the Caterpillar 953D for \$126,000.00 with new rollers and rails per Travis Boyll, NMC Salesman. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, and Risseeuw
Nays: Sluka

The Chairman declared the motion carried.

DISCUSSION REGARDING JAIL REPAIRS

Bill Burgess, County Sheriff informed the Board that he has contacted two individuals about getting us a quote to repair the drywall as well as some plaster. He has contacted Geneva Welding to put stainless steel around the shower in a cell. Bill also requested that the Board look at the ventilation in the cells as well. The Board requested that a couple vendors be contacted to look at the ventilation and then report back.

AUTHORIZE COUNTY TREASURER TO PAY CLAIM FOR GENEVA TOWNSHIP

Johnson moved and Sluka seconded the motion to authorize the County Treasurer to pay Fillmore County \$462.00 to Manning & Associates, PC for budget preparation. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.



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AUTHORIZE COUNTY TREASURER TO PAY CLAIMS FOR BRYANT TOWNSHIP

Sluka moved and Noel seconded the motion to authorize the County Treasurer to pay Fillmore County \$462.00 to Manning & Associates, PC for budget preparation. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

YAEGER 2ND SUBDIVISION

Zoning Administrator, Jennifer Slezak submitted the Yaeger 2nd Subdivision to the Board which is located in part of the NW ¼, Section 28, Grafton Township.

After discussion, Risseeuw moved and Mueller seconded the motion to approve the Yaeger 2nd Subdivision as submitted, located in a tract of land comprising a part of the Northwest Quarter of the Northwest Quarter (NW ¼, NW ¼), Section Twenty-Eight (28), Township Eight (8) North, Range Four (4) West of the 6th P.M., Fillmore County, Nebraska. More particularly described as follows: beginning at the northwest corner of said NW ¼, NW ¼; thence S 89° 43' 23" E on and upon the north line of said NW ¼, NW ¼ a distance of 306.00 feet to a point; thence S 00° 08' 22" E and parallel with the west line of NW ¼, NW ¼ a distance of 720.78 feet to a point; thence S 37° 39' 24" W a distance of 445.46 feet to a point on the east right-of-way line of County Road 3; thence S 89° 51' 38" W and perpendicular to the west line of said NW ¼, NW ¼ a distance of 33.00 feet to a point on the west line of said NW ¼, NW ¼; thence N 00° 08' 22" W on and upon the west line of said NW ¼, NW ¼ a distance of 1075.00 feet to the Point of Beginning. Said tract contains 6.441 acres more or less of which 1.021 acres are occupied by County Road right-of-way.

Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

JANING 2ND SUBDIVISION

Jennifer Slezak, Zoning Administrator submitted the Janing 2nd Subdivision to the Board which is located in the SE ¼, SE ¼, Section 10, West Blue Township.

After discussion, Noel moved and Risseeuw seconded the motion to approve the Janing 2nd Subdivision as submitted, located in the Southeast Quarter of the Southeast Quarter of Section 10, Township 8 North, Range 3 West of the 6th Principal Meridian, Fillmore County, Nebraska more fully described as follows: beginning at the southeast corner of the southeast quarter of Section 10; thence north 0° 16' 56" west (assumed bearing), on section line, a distance of 528.00 feet; thence south 50° 06' 39" west a distance of 364.55 feet to a ¾ inch pipe; thence south 89° 03' 27" west a distance of 217.51 feet to a ¾ inch pipe; thence south 43° 09' 21" west a distance of 395.07 feet, more or less, to section line; thence s 89° 49' 10" east, more or less, a distance of 770.02 feet, more or less, to the point of beginning. Containing a calculated area of 5.00 acres, more or less, of which 0.94 acres is roadway.

Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR NEBCO, INC

Opened the public hearing at 11:00 a.m. as advertised for a conditional use permit for NEBCO, Inc. to construct and operate a new concrete plant on the north part of the SW ¼, Section 7, Belle Prairie Township. Shannon Doering and Kraig Kuhnel with NEBCO, Inc., Amanda Barney, Chad Bumgarner, Lance Fiala, Karla Jacobson, Darwin L. Vilhauer,



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Cary D. Udell, Norma Hubble, Lynne Gibson, Patt Lentfer, Bob Gibson, Josh Stanek, Bernadette Godfrey, and John Hofferber were present for discussion. Amanda Barney submitted letters from Donald & LoNeal Beck, Karl Brinkman, and Craig Lefever who were unable to attend. Chairman Neiman read an e-mail from Chris Dunker who was also unable to attend.

CLOSE PUBLIC HEARING

Risseeuw moved and Neiman seconded the motion to close the public hearing at 11:56 a.m. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the motion carried.

CONDITIONAL USE PERMIT FOR NEBCO, INC.

After further discussion, Johnson moved and Mueller seconded the motion to deny the conditional use permit for NEBCO, Inc. Upon roll call, the vote was as follows:

Ayes: Johnson and Mueller

Nays: Cerny, Neiman, Noel, Risseeuw, and Sluka

The Chairman declared the motion failed.

CONDITIONAL USE PERMIT FOR NEBCO, INC.

Cerny moved and Risseeuw seconded the motion to approve the conditional use permit for NEBCO, Inc. to construct and operate a new concrete plant on the north part of the SW ¼, Section 7, Belle Prairie Township. Upon roll call, the vote was as follows:

Ayes: Cerny, Neiman, Risseeuw, and Sluka

Nays: Johnson, Mueller, and Noel

The Chairman declared the motion carried.

2017 4th QUARTER STATEMENT OF ACCOUNTABILITY FROM OFFICES

After review by the Board, Johnson moved and Mueller seconded the motion to approve the 2017 4th quarter statement of accountability from the County Attorney, County Clerk (Register of Deeds and Section 125 accounts), County Sheriff, Clerk of the District Court, and Soldiers' and Sailors'. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the motion carried.

EXECUTIVE SESSION

Johnson moved and Sluka seconded the motion that the Fillmore County Board of Supervisors hold an executive session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and consider in executive session potential claim against the County authorized by Statute to be discussed in executive session. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the motion carried and requested that the County Attorney, Deputy County Attorney, County Clerk, and Pam Bourne (NIRMA Attorney) on conference call to remain. Executive session began at 1:45 p.m.



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RETURN TO REGULAR SESSION

Mueller moved and Cerny seconded the motion to return to open session at 1:52 p.m. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

SAFETY COMMITTEE APPOINTMENTS

After discussion, Johnson moved and Cerny seconded the motion to appoint the following to the safety committee: Todd Boller, Richard Ellison, Trisha Gewecke, and Darcy Nun to a one year term beginning January 1, 2018 and ending December 31, 2018 and Brandie Conway, Bob Mueller, Brenda Motis, and Jennifer Slezak to a two-year term beginning January 1, 2018 and ending December 31, 2019. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

CHAIRMAN APPOINTMENTS

Chairman Neiman, requested that the following appointments be made: Sluka and Noel to oversee the Emergency Manager, Risseeuw and Cerny to oversee the Veterans Service Officer, Noel and Neiman to oversee the Highway Superintendent, Mueller and Risseeuw to oversee the Senior Services Director, Johnson and Sluka to oversee the Noxious Weed Superintendent, Mueller and Neiman to oversee the Planning & Zoning Administrator, and Johnson and Cerny to oversee the Custodian and Building & Grounds.

Sluka moved and Johnson seconded the motion to accept the appointments as presented by the Chairman. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw and Sluka
Nays: None

The Chairman declared the motion carried.

EMERGENCY ACTION ITEM

At the request of the County Clerk, Cerny moved and Noel seconded the motion to add emergency action item of transfer of funds to the agenda. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.

TRANSFER OF FUNDS FOR ROAD DEPARTMENT

Mueller moved and Sluka seconded the motion to authorize a transfer of \$75,000.00 from the General fund to the Road fund. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka
Nays: None

The Chairman declared the motion carried.



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EMERGENCY ACTION ITEM

Mueller moved and Sluka seconded the motion to add emergency action item of LB 1019 to the agenda. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the motion carried.

LETTER REGARDING LB 1019

Mueller moved and Cerny seconded the motion to authorize the Chairman to sign and send a letter to Senators that Fillmore County does not support LB 1019 which would change the boundaries of the Nebraska planning and development regions. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw, and Sluka

Nays: None

The Chairman declared the motion carried.

ADJOURN

As there was no other business to come before the Board, Johnson moved and Sluka seconded the motion to adjourn until 9:10 a.m., on February 13, 2018. Upon roll call, the vote was as follows:

Ayes: Cerny, Johnson, Mueller, Neiman, Noel, Risseeuw and Sluka

Nays: None

The Chairman declared the motion carried.

Attest

Chairman